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2-139066

Honorable Roger Jones, Chairman  
United States Civil Service Commission

Dear Mr. Jones:

This refers to the Asking Chairman's letter of June 18, 1959, transmitting a copy of a proposed Departmental Circular Executive Order No. 10825, excusing certain Federal employees from duty all day on July 3, 1959. You ask whether we would take exception to action reflected in any of the answers recited in the circular.

For the purpose of convenient reference we have numbered the questions and answers from 1 through 10.

Answers 1 through 3 appear to be proper.

Answers 4 and 5 suggest an effort to reconcile a conflict between Executive Order No. 10825 dated June 12, 1959, and section 4(b) of Executive Order No. 10355 of June 9, 1952. We believe that Executive Order No. 10825 supersedes section 4(b) of Executive Order No. 10355 for the days July 3 and 4, 1959, and therefore recommend that any reference to the earlier order and to rights otherwise flowing from it should be deleted from the circular. This result renders any reference to question 5 and the answer thereto in the circular as unnecessary.

We concur in the answers to questions 6, 7, and 8.

As we understand question 9 two answers might be required. One might be responsive to a question concerning employees under section 501(1) of Title IV of the Federal Employees Pay Act of 1959, as amended, and the other to employees under section 501(2). See 35 Comp. Gen. 719--particularly last sentence of second paragraph at page 711.

In answer to question 10 we suggest that the employee having been ordered to duty on July 3, 1959, is not excused from duty under Executive Order No. 10825 and, therefore, derives no rights from that order. It would seem that the large regulations would, at least, require a charge to annual leave for July 3. Neither is entitled to a compensatory day off later in the fiscal year 1960.

Document No. \_\_\_\_\_

Review of this document by CIA has been determined that

- CIA has no objection to declassify  
 It contains information of CIA interest that must remain classified at the level of authority: H-3 70-2  
 It contains nothing of CIA interest

Date 2-6-5-81 Reviewer 624191

100-1370-461

We are enclosing a copy of our letter of today to the Director, Central Intelligence Agency concerning questions arising under investigation order No. 10825.

Sincerely yours,  
Joseph Campbell

Comptroller General  
of the United States

Enclosure